

## MILITARY PROTECTIVE ORDERS

Unit commanders may issue military protection orders (MPOs) as a means to preserve good order and discipline by members of the command. Commanders may issue MPO's to ensure the safety of service members, family members, and other individuals from the threat of domestic violence by other such persons within areas for which commanders are responsible.

Unit commanders should issue MPOs to protect potential victims from threatened abuse **before** domestic violence has occurred in order to stabilize the situation pending an investigation. Commanders should issue MPOs **after** domestic violence has been reported to protect the victims from further abuse, whether or not the investigation has concluded.

Unit commanders should issue MPOs when victims have already obtained a civil protection order or temporary restraining order from a civilian judge. Since the military is not a state agency that enforces an order additional safeguards affecting those who are under the authority of the commander.

MPOs should include one or more provisions that will reasonably ensure the victim's safety but may not include any punitive provisions. Examples of appropriate provisions are:

- Prohibit the subject from having any face to face, telephone, or written contact with the victim, including those conducted through third parties.
- Bar the subject from designated areas or places, such as military family housing, the family home off the installation, schools, place of employment, child development centers, and youth programs.
- Require a service member who is the subject of the MPO to move into government quarters.
- Require the subject to leave any public place if the victim is in the same location or facility.
- Require the subject to do certain activities or refrain from doing certain activities.

If a civilian judge has already issued a protective order, to the extent practicable the MPO should have identical or similar provisions to those in the civilian order that are reasonably likely to ensure the victim's safety. MPO's are issued to enforce good order and discipline and, as such, should advise the military member that violations may result in discipline under the Uniform Code of Military Justice (UCMJ).

Unit commanders should have written policies for MPOs in domestic violence situations to address the following:

1. Procedures to issue MPOs during and outside normal working hours.
2. Liaison with civilian courts to ensure that MPOs and civilian protective orders do not contradict each other.
3. Issuing the MPO in writing, and distributing copies to the subject, victim, military police, Family Advocacy Program, and copies to the appropriate civilian agencies per Memoranda of Agreement with local communities, and,
4. Procedures for prompt notification to military police and command of any violation of the MPO on or off the installation and procedures for response, including coordination of activities with civilian agencies per Memoranda of Agreement with local communities.

